E. Anthony Throop
NAME

H-31268
PRISON NUMBER

Calipatria State Prison
PLACE OF CONFINEMENT

P.O. Box 5002, Calipatria, CA 92233
ADDRESS

FILED
JUN 23 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

United States District Court
Southern District Of California

EWARD ANTHONY THROOP,
(FULL NAME OF PETITIONER)

Petitioner

v.

LARRY SMALL (Acting Warden),
(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED PERSON HAVING CUSTODY OF PETITIONER, E.G. PAROLE OFFICER)

Respondent

and

The Attorney General of the State of California, Additional Respondent.

Civil No. '08 CV 1118 L JMA
(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2241

1. Type of challenge (CHECK ONE):
   - ☐ Parole
   - ☐ Probation
   - ☐ Loss of good-time credits
   - ☐ Prison disciplinary hearing
   - ☑ Other (specify): Administrative [GANG VALIDATION] Classification and perpetual segregation

2. Have you previously filed any petitions, applications, or motions with respect to the execution of your sentence in any court, state or federal?
   ☑ Yes ☐ No

3. If your answer to 2 was "Yes," give the following information:

   (a)(1) Name of court SUPERIOR COURT of IMPERIAL COUNTY

   (2) Nature of proceeding Petition for writ of Habeas Corpus

   (3) Grounds raised Violation(s) of pre deprivation hearing procedures; Debriefing policies violate Petitioner's Right to Counsel, and force self incrimination of pre-trial detainees; Violation(s) of Post Validation/Segregation hearing procedures; Retaliation for protected activity; validation regulations vague and overbroad, and withheld at critical stages; Respondents chill free speech and violate Equal Protection of Law.

   (4) Did you receive an evidentiary hearing on your petition, application or motion?
   ☐ Yes ☑ No

   (5) Result Denied

   (6) Date of result December 3, 2007

   (b) As to any second petition, application or motion give the same information:

   (1) Name of court California Court of Appeal, Fourth Appellate District

   (2) Nature of proceeding same as above (3(a)2)

   (3) Grounds raised Same as above (3(a)3)

(4) Did you receive an evidentiary hearing on your petition, application or motion?
☐ Yes ☑ No

(5) Result Denied

(6) Date of result April 28, 2008

(c) Did you appeal, to the highest state court having jurisdiction, the result of action taken on any petition, application or motion?
(1) First petition, etc. ☑ Yes ☐ No
(2) Second petition, etc. ☑ Yes ☐ No

(d) If you did ***not*** appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

4. **State *concisely* every ground on which you claim that you are being held in violation of the constitution, law or treaties of the United States. Summarize *briefly* the facts supporting each ground.** If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. Moreover, if you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

You should *raise in this petition **all** available grounds* on which you base your allegations that you are being held in custody unlawfully.

A. **Ground one:** PRISON OFFICIALS REFUSED TO PROVIDE PETITIONER WITH WRITTEN EXPLANATIONS FOR DENYING HIS DUE PROCESS RIGHTS TO PRESENT STAFF WITNESSES FOR NON DISCIPLINARY HEARINGS THAT DETERMINED HIS STATE-CREATED LIBERTY INTEREST TO BE FREE FROM INDETERMINATE SEGREGATED HOUSING IN VIOLATION OF THE FOURTEENTH AMENDMENT- U.S. CONSTITUTION.

Supporting FACTS (state *briefly* without citing cases or law)

On 10-17-06 and 10-20-06, Petitioner was issued two identical orders for temporary housing in segregation (114-D forms) pending transfer to General Population at a different prison. Since the reason for the adverse transfer was erroneous, he requested employees of the California Department of Corrections and Rehabilitation (CDCR) to be witnesses and those guards names were scribed onto the second 114-D. However, neither of those requests were honored by prison officials at the 114-D hearing, and no explanation was provided for denying witnesses. After petitioner complained, a third 114-D was served on 11-7-06 which invalidated the previous orders to instead authorize placement in a Security Housing Unit (SHU) indeterminately because of a gang-affiliation classification (gang validation). Because this action was flawed (and retaliatory), Petitioner requested staff witnesses whose names were documented on the new 114-D form and an Investigative Employee (IE) was assigned to question them; but after the IE failed to perform duties petitioner made oral requests at the 114-D hearing which was ignored by respondent (again), who later falsly recorded that petitioner did not request any witnesses at all without reasoning why the documented witnesses noted in writing on the 114-D had not been honored.

Witnesses at this stage of a 114-D hearing are a Constitutionally protected procedural safeguard in actions where a prisoner is subjected to indefinite solitary confinement in SHU. Moreover, petitioner has a liberty interest in avoiding placement in supermax facilities for long durations and because his witnesses were wrongfully disregarded without a written explanation he was unable to present favorable evidence to show why the validation is erroneous and that consigning him to SHU was premature and in violation of due process.

B. **Ground two:** FAILURE OF PRISON OFFICIALS TO APPOINT AN INVESTIGATIVE STAFF ASSISTANT DENIED PETITIONER THE ABILITY TO PRESENT A MEANINGFUL DEFENSE AND TO BE HEARD DURING NON DISCIPLINARY HEARINGS THAT CAUSED HIM TO BE PLACED INTO INDEFINITE SEGREGATION WITHOUT DUE PROCESS GUARANTEED BY THE FOURTEENTH AMENDMENT OF THE U.S. CONSTITUTION.

Supporting FACTS (state *briefly* without citing cases or law): On 11-7-06 Petitioner was issued an order for placement in segregated housing (114-D) because of a nondisciplinary administrative proceeding that classified him as a prison gang affiliate, ie "validation". That information had been reported by a different prison and was already two (2) years old, so prison officials at Petitioners institution - Calipatria - had already previously assured petitioner that it was too old and unreliable because it had never been determined whether or not this validation made him a "current active" gang associate, which is a prerequisite to place validated prisoners into SHU. Prison officials promised that the validation would not adversely effect him for that reason. They changed their mind after Petitioner filed a lawsuit. The purpose of the 114-D was to now recommend that classification officials assign him to a SHU for an indeterminate term.

Since Petitioner was confined to administrative segregation he had no meaningful opportunity to conduct his own investigation of the circumstances that transpired at another institution in 2004 therefore he requested and was assigned an Investigative Employee to assist him with locating and questioning witnesses to present evidence in his defense that would refute both the 114-D and the validation's reliability by proving that he is not a "current active" associate to a gang. The name of Correctional Officer Smith was written onto the 114-D in the space reserved for the Investigative Employee being assigned, however when contacted by Petitioner Smith claimed to have no knowledge of the matter and could not assist Petitioner with preparing for the hearing that would determine whether or not a SHU term would, or could be, imposed. Aside from scribing Smith's name on the 114-D, no other steps (i.e. paperwork authorization) had been performed to officially instruct someone to perform an investigation and type a report about it, on behalf of petitioner. As a consequence, Petitioner was unable to be heard in his defense with the necessary documents and witnesses that Smith would have gathered on his behalf. On 11-16-06, a classification committee refused to entertain oral requests for the witnesses and imposed the indeterminate SHU term without Petitioner's views being considered or preserved.

C. **Ground three:** PETITIONER WAS DENIED A FAIR AND UNBIASED REVIEW DURING A CRUCIAL NONDISCIPLINARY HEARING BECAUSE STAFF WITH PRIOR INVOLVEMENT DECEITFULLY ALTERED THE ADJUDICATION OF THE NAMED HEARING OFFICER TO PLACE PETITIONER INTO SHU INDEFINITELY IN VIOLATION OF DUE PROCESS GUARANTEED BY THE FOURTEENTH AMENDMENT OF THE U.S. CONSTITUTION.

Supporting FACTS (state *briefly* without citing cases or law): On 10-17-06 petitioner was issued a 114-D form to order his segregated housing pending transfer to a General Population at a different prison. On 10-18-06 this order was reviewed by LT Nelson (acting "Captain") who is the supervisor of the administrative segregation unit. His decision on that action authorized Petitioner to remain in segregation as ordered and he scribed "PRESENTS THREAT TO INSTITUTIONAL SECURITY" as his reason on the 114-D in the 'DECISION' section. That action was later superceded when Nelson himself generated another 114-D on 11-7-06 to label Petitioner as a 'danger' because of a status-based classification (gang validation). This canceled the transfer and recommended perpetual confinement in SHU, therefore he challenged the new 114-D and requested witnesses-whose names were listed in that section on the form. The next day Petitioner gave a note to his counselor requesting time to prepare for the 114-D hearing, which Nelson was later seen reading. Nelson then spontaneously approached Petitioner's cell [claiming no knowledge of the note] and pressured Petitioner to waive his 114 preparation time so that he could be scheduled for a classification hearing on 11-9-06. But Petitioner refused and explained his need to call witnesses with staff's assistance. Nelson agreed to approve these requests and instructed Petitioner to prepare for his investigator's arrival. Soon thereafter, a Sergeant informed Petitioner that he was being moved to another cell on the tier. After Petitioner refused to move Nelson returned to persuade him to comply and indicated that he had ordered the move, which Petitioner questioned as serving alterior motives to interfere with his only opportunity to refute the 114-D. When Petitioner demanded that Nelson prove that there was an actual assignment of an Investigative Employee made "in writing", Nelson then indicated that Petitioner would instead be moved to a different Ad-Seg Unit in another area of the prison.

LT Davis next contacted petitioner posing as the 114-D Hearing Officer. He acknowledged awareness of the requsts for witnesses and an IE, and before departing asked several questions. Afterward, Nelson delivered a "finalized copy" of this 114-D and it exhibited Davis' signature/title at the bottom, along with [C.O.] "Smith" printed in the space reserved for IE assignments. However, no recommendations or other disposition had been noted by Davis in the "DECISION" section of the 114-D. Petitioner then confronted Nelson about the blank portions; he quickly ventured away and returned with a different version of this same "final copy" which had been completed with the disposition: "ENDANGERS INSTITUTION SECURITY." First, Nelson claimed it to be Davis' action, but after Plaintiff probed further about the differing penmanship, he then admitted contriving the decision after Davis left. This subterfuge denied Petitioner an impartial reviewer because Nelson himself authored this 114-D.

D. Ground four:

RESPONDENT(S) VIOLATED DUE PROCESS GUARANTEED BY THE FOURTEENTH AMENDMENT BY ARBITRARILY HOUSING PETITIONER IN SEGREGATION INDETERMINATELY AS AN ADMINISTRATIVE ACTION ABSENT THE REQUIRED "ACTIVE" DETERMINATION NEEDED TO DO SO AS ESTABLISHED BY PRISON REGULATIONS.

Supporting FACTS (state *briefly* without citing cases or law):

Pursuant to a settlement agreement in a federal civil action titled Castillo v Alameida, the CDCR agreed that inmates cannot be confined into a SHU for an indeterminate term as a 'status-based' gang validation classification after September 23, 2004. 'Conduct' is now the determining factor in whether or not a validated prisoner can be found to be "endangering" institutional security, and that conduct is established by proven acts of gang activity that demonstrate that the prisoner is "currently ACTIVE" in gang activity. CDCR agreed that only the office of Correctional Safety (OCS) can make the determination of whether or not a prisoner is "ACTIVE" and currently associating with gang members and their activities. Thus, before a prisoner can be approved for placement in a SHU for the indefinite period by classification officials, OCS must first determine the inmate's active status. This is done by documenting ACTIVE or INACTIVE on the inmates "Validation Chrono" [form 128 B-2] and if it is not done, Respondent must either refer the case to OCS for review, or release the prisoner from segregation.

Petitioner has been denied these clearly established procedural safeguards. The decision to approve the validation classification on 8-3-05 was not made by OCS, and no where on his validation chrono(s) has he been documented to be "ACTIVE". For this very reason, Respondent(s) gave assurances that Petitioner could not be placed into SHU and approved him for release to General Population (transfer to Folsom) on two occasions. But when Petitioner filed a civil complaint regarding his conditions of confinement and access to court, the Respondent retaliated by recommending and endorsing petitioner to an indeterminate SHU program despite the absence of the ACTIVE determination. At all initial and subsequent classification hearings he has invoked his entitlement to OCS review to assess his active/inactive status yet Respondent willfully refuses to correct Plaintiffs wrongful solitary confinement that was imposed without the benefit of Procedural Due Process.

5. If any of the grounds listed in 4A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not presented, and give your reasons for not presenting them:

6. Do you have any petition or appeal now pending in any court, either state or federal, as to the execution of sentence under attack?

☑ Yes ☐ No

7. Give the name and address, if known, of each attorney who represented you in the following stages of the execution of sentence attacked herein:

(a) In any post-conviction proceeding N/A

(b) On appeal from any adverse ruling in a post-conviction proceeding

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

SIGNATURE OF ATTORNEY (IF ANY)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

June 6, 2008
(DATE)

E Anthony Throop
SIGNATURE OF PETITIONER

E. Ground Five :

PETITIONER WAS DENIED DUE PROCESS WHEN PRISON OFFICIALS INITIATED GANG VALIDATION PROCEEDINGS AGAINST HIM AND WITHHELD THE VALIDATION POLICIES AND PROCEDURES UNTIL AFTER HE WAS ALREADY CONSIGNED TO AN INDETERMINATE SHU TERM BECAUSE OF IT IN VIOLATION OF THE 14 AMENDMENT

Supporting Facts:

On 6-1-04 a settlement agreement to the federal civil rights action titled CASTILLO v ALAMEIDA, was approved by the Honorable Martin J. Jenkins in the Northern District of California (Case No. C-94-2847 MJJ). In that settlement, CDCR adopted proposed changes to the gang management policy that regulated its classification methods for "validating" state prisoners as gang members or associates, and/or confineing them into SHUs for indeterminate periods. CDCR agreed to institute these amendments to the policy on a prospective basis effective 9-23-04, afterwhich their classification services [e.g. Institution Classification Committees (ICC)(UCC) and Classification Services Representative (CSR)] may no longer consign prisoners to indeterminate housing in segregation based upon administrative [non-disciplinary] classifications (i.e. allegations) of gang affiliation/association, without obtaining a determination about the prisoner's current level of active participation in gang activity. The decision maker(s) in that assessment process is now the office of Correctional Safety (OCS) [formerly SSU/LEIU]. Thus, it is only OCS that is designated for determining whether or not the inmate is "currently active", which must be officially stated as such on the inmate's Validation Chrono (form 128 B2).

As a consequence, state prisoners cannot receive indeterminate SHU term programs, because of a gang association validation, without the finding of current active-consistent with this and other procedural safeguards observed by the settlement. It is whether the inmate is ACTIVE [conduct] that decides if an inmate can be deemed to be "endangering institutional security" that is warranting isolation in a SHU. Therefore, each ICC is required to ensure that the inmate's 'current' gang status is indicated [noted] on the Validation Chrono and Classification Chronos (form 128-G); so if OCS has not determined if the inmate is active, the ICC must release the prisoner's case to OCS for an active or inactive determination before authorizing placement, and/or retention in segregated housing.

In addition, the case made improvements to the CDCR validation procedures and affords additional due process protections. These include, but aren't limited to:

- Notice and opportunity for the inmate to be heard at the prevalidation and inactive review interviews;
- 24 hour advanced notice to the inmate of the validation "source items" (individual allegations of gang activity are source items reported within a "validation package") to be issued prior to a prevalidation interview. The inmate must be interviewed about the evidence and his opinions recorded for inclusion with the validation package being sent to OCS to be considered together in the review process;
- A copy of the inmate's interview is to be provided to him prior to its submission to OCS;
- In short, the distinction between validation and segregation must not be lost. Mere validation alone is not enough to segregate prisoners; it is conduct ("activity") that determines SHU placement, and a validated inmate must be released from SHU within 12 months unless they have been designated as "current active".

Between 2004-2006 Respondent(s) enacted the amendments to the validation/segregation policy but they kept the changes in the text to themselves, and only distributed Title 15 regulations to prisoners that contained the old "underground" methods that had been revised by Castillo. The finalized "offical" policy was not printed in updated versions of Title 15 until July 2006, however Calipatria did not provide them to inmates until January 2007! By that time, Petitioner and dozens of prisoners had already been validated and approved for SHU placement with no understanding of the procedures used, nor how to defend themselves. Withholding the rules was the cause of Petitioner's inability to defend himself at critical stages.

F. Ground Six:

RESPONDENT IS VIOLATING PETITIONER'S RIGHTS TO COUNSEL AND PROTECTION AGAINST SELF INCRIMINATION GUARANTEED TO HIM AS AN IN-CUSTODY DEFENDANT THROUGH THE FIFTH, SIXTH, AND FOURTEENTH AMENDMENTS TO THE U.S. CONSTITUTION, BY REQUIRING HIM TO MAKE ADMISSIONS OF ASSOCIATION WITH GANGS AND HIS KNOWLEDGE OF PAST CRIMINAL ACTIVITY THAT INCLUDE CIRCUMSTANCES RELATED TO HIS PENDING STATE COURT PROSECUTION, DURING A DEBRIEFING PROCESS CONDUCTED BY AGENTS OF THE DISTRICT ATTORNEY, IN ORDER FOR HIM TO GAIN HIS RELEASE FROM SEGREGATION CONFINEMENT.

Supporting Facts:

Petitioner is a state prisoner who is a court detainee undergoing an active criminal prosecution in the Superior Court of Imperial County. These charges stem from an in-custody prison riot that involved inmate's alleged assaults upon Correctional officers at Calipatria on 11-21-03. The Calipatria Investigative Services Unit (ISU)- Institutional Gang Investigators (IGI) was/is the investigating agency that processed the crime scene of the disturbance. But one of those investigators also claimed to be a victim of battery in that incident by Petitioner, and was one of several guards who testified before the Grand Jury that indicted Petitioner. That same guard is also coincidentally the DA Liasion between Imperial Co and CDCR.

ISU-IGI regurgitated the same circumstances of this offense as the basis to initiate an investigation into prison gang association against Petitioner, through which, fruits of that investigation were used together with the riot allegations to "validate" Petitioner as an "associate" to a prison gang. Under CDCR's gang management policy, inmates can only be placed into SHU because of a validation classification if they have been determined to be a "current active" associate -which must be noted on the inmate's 128 B2 Validation Chrono. Petitioner has not been deemed 'ACTIVE', yet Respondent consigned him to housing in SHU for an indefinite term anyway. And, in order to be released from SHU [ever], Respondents demand Petitioner either debrief (become informant), or wait a minimum of 6 years until a set eligibility date when he may be reviewed for "inactive" status. But, that eligibility date is required to be (rubberstamped) on the 128-B2 form before the indeterminate SHU is approved and imposed, and this too has not yet been performed by Respondent, either. Without that date a six year review is unavailable to escape SHU.

After Petitioner learned that Due Process was violated, since no ACTIVE/INACTIVE status or review dates have been noted on any of his files, Respondent refused to address it unless Petitioner agreed to debrief first. And the staff who Petitioner is directed to debrief to are the same investigative agency prosecuting him in court, i.e. staff consisting of a victim/DA Liasion, prosecution witnesses and crime scene investigators for the case he is represented by counsel for. Moreover, the CDCR debriefing procedures codified at Title 15 § 3378.1 and § 3378.2 do not permit attorneys to participate and do not make exceptions for court detainees whose criminal charges are the same circumstances as the validation source items. Thus, Respondents quid pro quo debriefing is unconstitutional because (1) Petitioner has a right to counsel at every material phase of the case once he has been arraigned; (2) he has a reasonable belief that any investigation or interview made without presence of counsel will involve discussions about elements of his court proceedings since that is what the validation theory of gang activity was founded upon; (3) The due process that Petitioner was entitled to, and is still requesting, is only being withheld as a veiled pretext by agents of the prosecution to force him to volunteer information that will give them a tactical advantage in court; and (4) These conditions of his confinement in segregation are being used as a form of physical coercion to force confessions, because without Petitioner's eligible review date being established these conditions will be perpetual.

G. Ground Seven:

PRISON OFFICIALS INITIATED A GANG INVESTIGATION TO VALIDATE PETITIONER AS A GANG ASSOCIATE IN RETALIATION FOR EXERCISING FREE SPEECH PROTECTED BY THE FIRST AMENDMENT- U.S. CONSTITUTION.

Supporting Facts:

Petitioner and several prisoners were physically abused by guards at Calipatria prison and then transferred to Tehachapi (CCI) on 11-22-03. They imediately began to make complaints to state officials while their family members contacted elected officials and other sources. All these complaints resulted in inquiries by "outsiders" to the CDCR, CCI and Calipatria.

On 2-11-04 Petitioner was contacted by Calipatria's ISU-IGI, who recorded a statement from him about the abuse at Calipatria over the phone. This telephonic meeting was also attended by CCI's ISU-IGI officers. From that day forward ISU-IGI officials maintained constant communication about Petitioner between CCI and Calipatria, and all of his protected activity began to be monitored. His personal and confidential correspondences began to be held, lost or not delivered, and opened outside of his presence, legal enclosures read, siezed and retained without notice. Legal material was confiscated and not returned in retaliation for protected activity.

Then on 9-24-06, CCI ISU-IGI officers searched and removed all legal and personal property from Petitioner's cell. They later falsly reported that items found were indicative of gang activity, or were deliberately imputed to Petitioner on false pretense. These items were used to compile a Validation Package against him for submission to SSU.

Approximately this same period, ISU-IGI began soliciting numerous prisoners at CCI and other prisons to contrive allegations of gang activity against Petitioner in exchange for special favors. At least one prisoner confirms that he was paid to make false allegations.

ISU-IGI's retaliatory intent was to discredit and malign Petitioner because of his complaints about staff misconduct, before the inquiries they induced could bear fruit. Therefore, ISU-IGI(s) have colluded together in an effort to cover up staff misconduct by labeling Petitioner to be a gang associate and confine him in SHU indefinitely to silence his protected activity.

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H. Ground Eight:

PRISON OFFICIALS violated DUE PROCESS GUARANTEED UNDER THE FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION BY SUPPRESSING MITIGATING INFORMATION TO DENY PETITIONER A FAIR REVIEW BY DECISION-MAKERS WHO APPROVED THE NON DISCIPLINARY "VALIDATION PACKAGE" WHICH CAUSED HIS SOLITARY CONFINEMENT IN SHU FOR AN INDETERMINATE PERIOD

Supporting Facts:

On 11-3-04 the CCI ISU-IGI prepared a validation package against Petitioner which reported a theory that he was an associate with the Mexican Mafia (EME) prison gang on that date. That information was then submitted to SSU on 12-9-04 for review and approval. One week later on 12-18-04, ISU-IGI generated a Confidential Memorandum that reported: "... inmate Throop is in disfavor with the Mexican Mafia prison gang and will be targeted for assault and never be allowed to be in good standings with [them] again ..."

Petitioner denies the accuracy of this oppinion and asserts that it is a ruse by ISU-IGI because they waited until after the validation package was submitted to disclose this belief in order to omit it from being considered by the decision makers. Had decision makers had access to this information their decision to approve the validation package would have been different since it clearly belies the allegation that EME are his "associates" at the time of the validation package's filing.

This tactic is a well-known ploy to frighten inmates into becoming informants (debriefers) who will "agree" to corroborate unsubstantiated IGI theories and opinions that have no factual basis, in exchange for "favors". Nevertheless, the Confidential Memo dated 12-18-04 is relevant to the validation proceedings because it is mitigating information that ISU-IGI possessed prior to presenting their hypothesis about Petitioner's alleged conspiracy or association with the same group whom they have simultaneously reported to be his enemies, and they excluded it from the other source memos in order to ensure that a validation would be approved.

This secondary report is an alternative interpretation of two of the source items included within the validation package. Direct evidence of this fact is shown by a later Classification Services Chrono addressed to ICC instructing them to "address" or "absolve" possible "enemy concerns" in source items dated 8-23-04 and 9-30-04 — which are two of the points in the validation package that ISU-IGI authored wherein only the first opinion was presented for consideration. Hence, this second opinion contrasts with the first, which is something that needed to be fairly weighed upon review. Furthermore, these dates show that the claim of safety concerns was not based on any additional information obtained after the completion of the validation package, but solely on the origional information already in their possession from the begining.

That omission - of possibly exculpatory evidence - was intended to mislead the decision makers for the purpose of deliberately violating Petitioner's due process right to a fair hearing in a proceeding that had a collateral consequence of depriving him of state created liberty interests to be free of confinement in supermax facilities indeterminately.

I. Ground Nine:

RESPONDENTS ARBITRARILY PLACED PETITIONER INTO SEGREGATED HOUSING FOR AN INDETERMINATE TERM ABSENT PREREQUISITE PROCEDURAL SAFEGUARDS AS RETALIATION FOR ENGAGING IN ACTIVITY PROTECTED UNDER THE FIRST AMENDMENT TO THE U.S. CONSTITUTION

Supporting Facts:

On 12-18-04 ISU-IGI falsly opined that Petitioner was an enemy of the same prison gang that targeted him for assault, and for the next two years respondents adopted that dual theory as true. For that reason, Petitioner was involuntarily placed in solitary confinement, which continues to isolate him from other prisoners. At every classification hearing between 2005-2006 Petitioner refuted the accuracy of that information because he wished to attend group yard activities and have a cellmate, but Respondent defered to their own actions on that subject after ISU-IGI at Calipatria was asked to assess the circumstances and recommended the status quo. This caused Petitioner to be deprived of yard exercise for 15 months.

For that reason, Petitioner maintained that if indeed the enemy situation were more credible, then this validation for association was nullified because the duality made it impossible for him to be a current active associate. Respondent agreed, because it was clear that Petitioner had not been determined to be "ACTIVE" during the prevalidation process. Therefore, Respondent gave affirmative assurances that the cumulative effect of due process violations, and contradictions, along with the absence of an ACTIVE classification, only "identified" him as validated, but prevented them from placing him into a SHU where those supposed enemies are housed. As a result, after conclusion of Petitioner's trial ICC unanimously elected to release petitioner from segregation, but with an adverse transfer to a General Population at an undesirable institution.

At two different-successive- ICC hearings, Petitioner was recommended for transfer to Folsom level IV in Northern California. Because the tranfer was based on an invalidated disciplinary report, Petitioner filed a civil rights complaint in federal court about his exercise deprivation and abuse described in Ground Seven. On 10-26-06, Petitioner served Respondents with a proposed preliminary Injunction by legal mail that was received by Calipatria on or about 10-30-06, which put them on notice about the suit. Seven days later, Respondent(s) reacted in response to that action by revoking Petitioner's release to General Population, and imposed an indeterminate SHU term knowing that they were violating their own regulations in the process because he is still not classified as "ACTIVE" by OCS.

Petitioner's consignment to the SHU was clearly an arbitrary action done without benefit of due process, and in retaliation for protected activity.

J. Ground Ten:

REQUIRING PETITIONER TO "SNITCH" AS PART OF THE DEBRIEFING PROCEDURE TO GAIN "INACTIVE" STATUS THAT CAN RELEASE HIM FROM SHU IS FUNDAMENTALLY UNFAIR AND SUBJECTS HIM TO CRUEL AND UNUSUAL PUNISHMENT IN VIOLATION OF HIS CONSTITUTIONAL RIGHTS PROTECTED BY THE EIGHTH AND FOURTEENTH AMENDMENTS.

Supporting Facts:

Respondent is fully aware that Petitioner and his siblings were victims of incest and pedophilia as children. Throughout his incarsaration Petitioner has been separated from being housed with pedophiles because CDCR regularly confines those inmates in protective custody facilities. In addition, other sex offenders, plus prisoners who agree to be informants to escape SHU confinement or physical harm by "debriefing" to ISU-IGI, then become reclassified as protective custody as well. Those inmates are not suitable for placement in General Population and are now housed in alternative facilities known as Sensitive Needs Yards (SNY).

Respondent insists that Petitioner must first debrief in order to receive an "INACTIVE Status" review of his gang validation, as his only option to accellerate his release from SHU confinement. If Petitioner were to do so [debrief to the satisfaction of Respondent] then it would create the collateral consequence of reclassifying him as protective custody and subjected to rehousing in a SNY for being an informant. He finds this undesirable because he would be forced to assimilate to SNY "culture" and program where Respondent enforces acceptance of compatability with pedophiles and rapists in work, education and double cell-living assignments that result in disciplinary action for refusal to participate, and even return to SHU for "failing to program" as Respondent orders him to.

Therefore, agreeing to participate in a debriefing process would cause an atypical and significant hardship upon Petitioner that will jeopardize forever his life and the lives of his family. In fact, housing in an SNY along with pedophiles would repulse his siblings and other loved ones into abandoning him, and discourages them from visiting or corresponding with him there because of the emotional and psychological anguish of learning Petitioner's acceptance of them. But because Petitioner refuses to debrief, he must remain confined in supermax facilities indefinitely. Not only does he have a liberty interest in avoiding SHU confinements for long durations, but SHU has already previously caused him psychological concerns in 2004 for which psychotropic medication was prescribed for several months. Respondents are aware of these histories and remain deliberately indifferent to Petitioner's mental health-that is affected by their policies and arbitrary actions.

Respondent already has discretion to employ alternative procedures to afford prisoners fair accellerated release from SHU without debriefing pursuant to Title 15 § 3378(d) which permits prisoners on General Population criteria whose gang validation's information is more than two years old, to be eligible for a two year "inactive" designation. Thus, since Petitioner was classified as a prison gang affiliate based only on information dated 2004, and cleared for General Population by Respondent(s), because he was never properly determined to be in SHU absent the current ACTIVE classification; he met the criteria for the two year review at the time that the indeterminate SHU order was approved in November 2006. This would satisfy and benefit legitimate penological concerns, but Respondent refuses to adopt that alternative inactive SHU release [CDCR procedure] for Petitioner, and arbitrarily contends that it is only available for prisoners who debrief. That is untrue.

Hence, Respondent has wantonly and illegally subjected Petitioner to present and future cruel and unusual punishment with these dictatorial interpretations of vague and overbroad policies, which demonstrate the fundamentally unfair flaws in these policies that are prone to abuse of discretion.

K. Ground Eleven:

PETITIONER WAS DENIED DUE PROCESS IN VIOLATION OF THE FOURTEENTH AMENDMENT BECAUSE HIS VALIDATION-SEGREGATION PROCEEDINGS ARE BASED ON VAGUE AND OVERBROAD REGULATIONS WHICH LACK CONSISTENT STANDARDS THAT DO NOT AFFORD SUFFICIENT 'NOTICE' OF WHAT IS PROHIBITED ACTIVITY PUNISHABLE BY SHU PLACEMENT, AND DID NOT DISCLOSE IDENTITIES OF INVOLVED PARTIES, THUS HINDERING HIS ABILITY TO DEFEND HIMSELF.

Supporting Facts:

Respondent has exploited ambiguities in CDCR gang management policies to overbroadly apply vague standards which secured Petitioner's placement in SHU. As previously discussed herein, a prisoner who's classified as "validated" must be determined to be "active" by the OCS before an ICC may find him to be a "danger to institution security" - as the necessary prerequisite(s) in order to place him into SHU for an indeterminate program. Respondent knowingly skipped the procedural safeguard to wrongfully place Petitioner into segregation as retaliation for him filing a civil suit against them in October 2006, after they had already cleared him for release to General Population.

As a pretext, Respondents have relied upon their own conclusions to base this action upon the illdefined "other factors" exceptions clause of Title 15 § 3341.5 (c) (5) as their justification to circumvent the OCS review, and find petitioner a danger to institutional security for conjecture. This violates due process because the vagueness doctrine requires that penal statutes give notice to the ordinary person of what is prohibited and provide definite standards to guide the discretionary actions of officers so as to prevent arbitrary law enforcement because this type of misapplication of policies/rules/procedures that Respondents capitalize on gives too much discretionary action to law enforcement (prison officials).

Aside from Respondent's supposition, there are no factors to suggest that Petitioner poses any type of threat to other prisoners or institutional security, otherwise SSU would have concluded that. Therefore because the regulations governing Respondent's reasons for segregating Petitioner fail to delineate specific criteria permissible to override a nonactive validation for purposes of imposing indeterminate SHU under the 'other factors' clause, it permits a standardless sweep that allows government officials to pursue their own personal predilections, as has been in petitioners situation. This is important because the Overbreadth Doctrine permits litigants to assert First Amendment Rights of third parties not before the Court, and as stated above in Grounds 7 and 9, these actions did not come until Petitioner exerted his rights to free speech. Hence, the statute's very existence causes Petitioner [and others not before the court] to refrain from Constitutionally protected speech or expression. That is relevant because Respondent uses Petitioner's validation status to entrap other [nonvalidated] prisoners in dubious validation proceedings as well, by labeling them 'guilty by association' with Petitioner based on innocent communication with him [ie. mere possession of Petitioner's name and CDCR number] without any allegation that it served an illicit purpose (gang activity). And none of these inmates were determined to be "ACTIVE" by OCS either, yet Respondent later imposed indeterminate SHU terms against them also when discovered to be participants in Petitioner's civil complaint and/or criminal trial where some testified in his defense.

This is exactly how ISU-IGI entangled Petitioner in the validation at the initial stages for his insinuated allegations of gang activity/association with inmates [possession of name, CDCR I.d

continued on page 15

numbers; exchanging written communications] whom he did not know had themselves been validated. Prisoners are not entitled to know the gang status' of other prisoners, and since Respondents do not warn or place them on "notice" when an "association" becomes interpreted as gang activity through overbroad applications of Title 15 §3023; §3378, and §3321(a), it was impossible for Petitioner to defend himself because the identities of involved parties were withheld as Confidential.

Petitioner contends that ISU-IGI intimated that inmates whom are either dead, reused multiple times, or already classified as "Inactive" in Protective Custody (SNY) were the supposed associates in gang activity, but absent the confirmation of those identities he must shoot in the dark in a futile effort to prove that those allegations are incredulous. This is an overbroad application of the confidential information policy because there are no prisoner informants or methods from which this material was acquired that need to remain secret. All source items compiled within Petitioner's validation package was from scruntity of materials already (and still) in his possession, or otherwise known to him. However, ISU-IGI solely wished to hinder Petitioner's ability to refute it, and utilized the overbroad confidential disclosure method to ensure that he is unable to ascertain which item/individual he has been punished for.

And even now, the lack of clear and unambiguous language in the inactive-review process permits Respondent to continue to capriciously exploit and misapply vague regulations with regard to Petitioner's available release from SHU and eligibility for inactive reviews as well. There are no apparent "requirements" that a prisoner participate in a "debriefing" before he is eligible for inactive considerations under §3378(d)(e) or (g), yet Respondent is "abusing discretion to make it so. Thus, the need for consistent standards are necessary to give prisoners and staff accurate direction of what is [exactly] considered prohibited activity, what is the reasonable level of notification of the charge, and what is the criteria - if any - to attain release from segregation without debriefing.

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L. Ground Twelve:

PETITIONER WAS TREATED DISPARATELY COMPARED TO OTHER PRISONERS ALLEGED TO BE INVOLVED IN THE SAME ALLEGED PROHIBITED ACTIVITY, IN VIOLATION OF THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION

Supporting Facts:

The allegations of gang activity against Petitioner are that he is engaged in associations and criminal conspiracies with validated inmates. Such charges, if it involved nonvalidated inmates would cause a disciplinary report to be generated for rule infractions and specified illegal conduct against both inmates. But when prison officials report that a validated inmate is one of the prisoners involved, Respondent unfairly changes the focus of the alleged act to impute gang activity against them instead of "criminal activity". Although gang activity is also disciplinary offense, the due process protections that inmates are guaranteed in rule violation reports can aid them in disproving the vague charge of "gang activity".

This is why Respondent exploits the obscure process of gang validations as a tool for circumventing constitutional rights (ie procedural due process) by instead misappling criminal activity to the validation process under the guise of gang activity, for the same conduct. The goal is to segregate all prisoners suspected to be involved in a controversy—without the benefits of due process applicable to disciplinary proceedings—so it will be easier to confine inmates into SHU for periods that are longer than the origional disciplinary penalties would have carried. But since members of prison gangs are usually confined in segregation anyway, the only inmates who are affected by a validation scheme are the participants that are not validated. It is only they who are subjected to reprisal.

This is a form of disparate selective prosecution because the other half of the supposed prohibited activity (ie validated inmate) who's reported in the validation package (for the nonvalidated individual) as involved in something illicit—is never charged! Only those whom associate with him are affected with a dramatic change in program and housing. In other words, the prisoner who's already validated faces no repurcussions for this activity Respondents claim to be something sinister; he does not receive a new validation package nor change to the privileges he already has in SHU. Again, only the nonvalidated half of the "association" between two inmates accused of involvement in this same activity are swept into the trap.

In Petitioner's case, this is esspecially troublesom because the validated inmates alleged to be associating with him are either not in segregation, not alive, not in prison (paroled), or not in good standing with that same prison gang that they've been reported to be acting on behalf of. For example, validated associates who Petitioner was alleged to be communicating with are not in SHU [because they've been released for debriefing], but they have not been affected by the allegations in Petitioner's validation package at all, let alone returned to segregation as required whenever inactive prisoners are accused of new current activity. They were never charged for their reported half of this same misconduct punishable by re-segregation for being "ACTIVE" again.

The fact that this is not done suggests that Respondent knows the allegations are insufficient to impute to those prisoners who have no control over Petitioner's innocent possession of their names or CDCR numbers, yet Respondent maintains that it's reliable only against Petitioner. This demonstrates that such information is questionable and disparate if only one is singled out for supposed conspiracy/gang activity that other inmates are named in.

M. Ground Thirteen:

PRISON OFFICIALS DENY PETITIONER EQUAL PROTECTION OF LAW UNDER THE FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION BY CHILLING HIS FREE SPEECH ON THE BASIS OF RACE BECAUSE HIS ASSOCIATION WITH OTHER PRISONERS WHO HAVE THE SAME RACIAL CLASSIFICATION AS HIM IS PROHIBITED DIFFERENTLY FROM THE SIMILAR SITUATIONS INVOLVING PRISONERS OF A DIFFERENT RACIAL CLASSIFICATION

Supporting Facts:

The CDCR gang management policy that has caused him to be placed into SHU for an indeterminate SHU program is unconstitutionally a violation of Equal Protection because it recognizes race as the element that distinguishes gang activity from criminal activity. Petitioner posits that if he conspires with prisoners of other racial classifications to commit disciplinary infractions, they are subject to disciplinary action and due process consistent with that offense. However, if and when that inmate he colludes with happens to be of the same racial classification as him then the same conduct is reinterpreted to be gang activity instead.

In short, Respondent chose to validate and segregate petitioner only for associating with members of his own race. And now that he is validated [as EME] his communication with non hispanic races would never make them associates [to EME]. Thus, respondents policy and practice is meant to chill freedom of speech and association differently for one's own race. In fact, Respondents have already used association with Petitioner as a source item in the validation of 3 [known] prisoners of his race after they aided his defense against criminal charges in Superior Court by either testifying or cooperating with his attorney. No gang activity has been alleged, only the implication that protected activity with Petitioner establishes their "association" link.

This is an example of state officials unlawful administration of a state statute that seems fair on its face, but results in unequal application to persons who are entitled to be treated alike. The denial of Equal Protection is the product of intentional and purposeful discrimination. Disciplinary proceedings carry punitive consequences that deprive prisoners of their liberty interests for determinate periods, while a gang validation may result in perpetual losses of those state created rights. So considering the disproportionality that exists between the procedures and punishments that are involved in disciplinary and gang validation proceedings, it is discriminatory to permit prison officials to abuse their discretion to circumvent the due process protections guaranteed to every inmate for safeguarding them from arbitrary confinement (s) in segregation when all the official has to do to accomplish the same effect is capriciously declare supposed criminal activity to be gang activity. But this can only be done when association, content of speech, etc. occurs between members of the same race as opposed to involving varying races.

Petitioner reiterates that he was prejudiced in these proceedings that lack consistent standards and as such the systematic jurisprudence of CDCR's gang validation policy must be analyzed or recognized as violative of federal law, in the context of the entire record for error that seriously affects the fundamental fairness, integrity or public reputation of prison administrative proceedings that result in perpetual solitary supermax confinement.

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

(Fed. R. Civ. P. 5; 28 U.S.C. § 1746)

I, Edward Anthony Throop, declare:

I am over 18 years of age and a party to this action. I am a resident of Imperial County Calipatria State Prison,

in the county of Imperial,

State of California. My prison address is: P.O. Box 5002, Calipatria, CA 92233,

.

On June 19, 2008,
(DATE)

I served the attached: Petition for Writ of Habeas Corpus
Motion to Proceed In Forma Pauperis
(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional institution in which I am presently confined. The envelope was addressed as follows:

U.S. District Court, Southern Dist. of Calif.
880 Front St., Suite 4290
San Diego, CA 92101-8900

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 6/19/08
(DATE)

E. Anthony T. Throop
(DECLARANT'S SIGNATURE)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
Edward Anthony Throop

DEFENDANTS
Larry Small

(b) County of Residence of First Listed Plaintiff **Imperial**
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

FILED
JUN 23 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY [signature] DEPUTY

(c) Attorney's (Firm Name, Address, and Telephone Number)
Edward Anthony Throop
PO Box 5002
Calipatria, CA 92233
H-31268

Attorneys (If Known)

'08 CV 1118 L JMA

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury

PERSONAL INJURY
- ☐ 362 Personal Injury - Med. Malpractice
- ☐ 365 Personal Injury - Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 444 Welfare
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 440 Other Civil Rights

PRISONER PETITIONS
- ☐ 510 Motions to Vacate Sentence

Habeas Corpus:
- ☐ 530 General
- ☐ 535 Death Penalty
- ☒ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition

FORFEITURE/PENALTY
- ☐ 610 Agriculture
- ☐ 620 Other Food & Drug
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 630 Liquor Laws
- ☐ 640 R.R. & Truck
- ☐ 650 Airline Regs.
- ☐ 660 Occupational Safety/Health
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt.Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 463 Habeas Corpus - Alien Detainee
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900Appeal of Fee Determination Under Equal Access to Justice
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (**Do not cite jurisdictional statutes unless diversity**):
28 USC 2241
Brief description of cause:

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND $
CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

DATE 6-23-08
SIGNATURE OF ATTORNEY OF RECORD [signature]

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

CR